

Mel Carnahan Governor Stephen M Mahfood Director

## DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY

PO Box 176 Jefferson City MO 65102-0176

February 18, 1999

Joseph P Bindbeutel, Esq  
Chief Counsel  
Environmental Protection Division  
Attorney General's Office  
Broadway State Office Building, Eighth Floor  
Jefferson City, MO 65102

RE Request to Finalize Settlement Agreement with St Louis Job Corps Center

Dear Mr Bindbeutel

The Hazardous Waste Program is requesting your assistance in finalizing a Settlement Agreement with St Louis Job Corps Center (hereinafter Job Corps), which is located at 4333 Goodfellow Boulevard, St Louis, St Louis County, Missouri. The Missouri Department of Natural Resources (MDNR) and the Job Corps have reached an agreement in principle regarding these issues. **We have enclosed a draft of the proposed Settlement Agreement, which will formalize the agreement reached between the facility, the Missouri Attorney General's Office, and the MDNR.** We have also included a draft of a transmittal letter and a computer disk containing both documents for your use.

If you have any questions regarding this case, please contact Mr John Jurgensmeyer of my staff at (573) 751-2032 or me at (573) 751-2747.

Sincerely,

HAZARDOUS WASTE PROGRAM

Cindy Kemper  
Director

CK jll

Enclosures

c Mr Bob Eck, Director, St Louis Regional Office  
Mr Paul Morris, St Louis Regional Office

Site St Louis Ordnance Plant  
ID MO82100224645  
Break 11 11



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Mel Carnahan Governor Stephen M. Mahfood Director

# DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY

PO Box 176 Jefferson City MO 65102-0176

## DRAFT

Mr. Sterling Roath, Jr.  
Center Director  
St. Louis Job Corps Center  
4333 Goodfellow Boulevard  
St. Louis, MO 63120

Dear Mr. Roath:

The undersigned represents the interests of the Missouri Department of Natural Resources (MDNR). It is my understanding that the MDNR and the St. Louis Job Corps Center (hereinafter Job Corps), have reached an agreement regarding the State's claim of violations of the Missouri Hazardous Waste Law and regulations at Job Corps' facility located at 4333 Goodfellow Boulevard, St. Louis, St. Louis County, Missouri. The agreement addresses the hazardous waste violations observed during the MDNR's inspection conducted on January 8 and 12, 1998.

Enclosed is a Settlement Agreement I have prepared which embodies the Job Corps' agreement with the MDNR, as I understand it. Please sign the enclosed Settlement Agreement and return it to me with a certified check in the amount of One Thousand Dollars (\$1,000) made payable to the "St. Louis County Treasurer as Trustee for the St. Louis County School Fund."

I will obtain the remaining signatures on the Settlement Agreement and return a fully executed copy to you upon my receipt of same. Thank you for your cooperation in this matter.

Sincerely yours,

JEREMIAH W. (JAY) NIXON  
Attorney General

KS III

Enclosures

c Mr. Bob Eck, St. Louis Regional Office  
Mr. Paul Morris, St. Louis Regional Office

# **DRAFT**

## **SETTLEMENT AGREEMENT**

This Settlement Agreement is made on this \_\_\_\_ day of \_\_\_\_\_, 1999,  
between the Missouri Department of Natural Resources (hereinafter MDNR), the Missouri  
Attorney General, and the St. Louis Job Corps Center (hereinafter Job Corps)

WHEREAS, Job Corps is a Federal Agency and an extension of the United States  
Department of Labor. Job Corps teaches trades to indigent youth and offers pay during  
their training. The facility is composed of multiple buildings used as classrooms, shops,  
dormitories, offices, and other support facility buildings. These buildings are part of land  
owned by the Army Reserve and formerly the U.S. Army's St. Louis Ordinance Project.  
The Job Corps leases the site from the Army Reserve. Some of the buildings have been  
razed due to the renovation for the Job Corps. One of these decommissioned buildings  
held containers of hazardous waste that were moved to another onsite building for  
storage.

WHEREAS, the Job Corps normally generates approximately 40 pounds of  
hazardous waste per month and considers itself a conditionally exempt small quantity  
generator of hazardous waste. Hazardous waste is routinely generated from the facilities  
paint shop operations. The materials consist mainly of mineral spirits and waste paint.

WHEREAS, the MDNR believes the Missouri Hazardous Waste Management Law  
has been violated by the Job Corps at their facility located at 4333 Goodfellow Boulevard,  
St. Louis, St. Louis County, Missouri.

WHEREAS, the MDNR inspected the Job Corp's facility on January 8 and 12, 1998, and issued Notice of Violation No 5078 for 9 violations of the Missouri Hazardous Waste Law and regulations

WHEREAS, Notice of Violation No 5078 alleged the following violations of the Missouri Hazardous Waste Law and regulations

- 1 Storage of hazardous waste exceeded the allowed 180 days (270 days if transported greater than 200 miles), in violation of 10 CSR 25-5 262(1), incorporating 40 CFR 262 34(a)
- 2 Storage containers not clearly marked "Hazardous Waste", in violation of 10 CSR 25-5 262(1), incorporating 40 CFR 262 34(d)(4), referencing 40 CFR 262 34(a)(3)
- 3 Storage area not inspected and maintained weekly, in violation of 10 CSR 25-5 262(2)(C)2 C (II), referencing 40 CFR 265 174
- 4 Storage area did not have a "No Smoking" sign posted, in violation of 10 CSR 25-5 262(2)(C)2 F(II)
- 5 Storage area did not have spill control equipment properly maintained, in violation of 10 CSR 25-5 262(1), incorporating 40 CFR 262 34(d)(4), referencing 40 CFR 265 33
- 6 Storage area did not have the following posted near phone the emergency coordinator's name and phone number, fire department phone number, location of a fire extinguisher, and the location of spill control equipment, in violation of 10 CSR 25-5 262(1), incorporating 40 CFR 262 34(d)(5)(II)
- 7 Hazardous waste containers were not in good condition, in violation of 10 CSR 25-5 262(1), incorporating 40 CFR 262 34(a)(1), referencing 40 CFR 265 171
- 8 Hazardous waste containers were not labeled during the entire onsite storage

period, in violation of 10 CSR 25-5 262(2)(C)1, referencing 40 CFR 262 31 and 40 CFR 262 32

9 Hazardous waste containers not marked with the beginning date of accumulation, in violation of 10 CSR 25-5 262(1), incorporating 40 CFR 262 34(d)(4), referencing 40 CFR 262 34(a)(2)

WHEREAS, the MDNR issued Notice of Violation No 5095 on March 5, 1998, alleging one additional violation of the Missouri Hazardous Waste Law and regulations

Failure to determine if wastes are hazardous, in violation of 10 CSR 25-5 262(1), incorporating 40 CFR 262 11

WHEREAS, the MDNR and Job Corps discussed terms upon which to amicably resolve any and all claims which may be made against Job Corps for any alleged violations of the Missouri Hazardous Waste Management Law and regulations listed in Notice of Violation Nos 5078 and 5095

WHEREAS, the MDNR, Job Corps, and the Missouri Attorney General desire to amicably resolve all disputes or claims which might be made against Job Corps for the above-claimed violations without Job Corps admitting the validity or accuracy of any such claims

NOW, THEREFORE, in consideration of the mutual promises contained in this agreement and other good and valuable consideration, the MDNR, the Missouri Attorney General, and Job Corps agree as follows

1 The provisions of this Agreement shall apply to, and be binding upon, the parties executing this Agreement, their successors, assignees, agents, subsidiaries,

affiliates, and lessees, including the officers, agents, servants, and any persons acting under, through, or for the parties agreeing hereto,

2 Job Corps, in compromise and satisfaction of all allegations or claims relative to the above-referenced claim violations, agrees, without admitting liability or fault, to pay the sum of One Thousand Dollars (\$1,000 00) as a civil penalty Job Corps agrees to remit a check for One Thousand Dollars at the time Job Corps signs the Settlement Agreement Said check shall be made payable to the "St Louis County Treasurer as Trustee for the St Louis County School Fund" Said check shall accompany Job Corps's executed copy of the Settlement Agreement, and shall be delivered to the Missouri Attorney General's Office addressd as follows Joseph P Bindbeutel, Esq , Chief Counsel, Environmental Protection Divisions, Office of the Missouri Attorney General, P O Box 899, Jefferson City, MO 65102-0899,

3 As a condition of this Agreement, Job Corps voluntarily agrees to request technical assistance from the United States Department of Labor, Office of Job Corps to provide additional employee hazardous waste training and conduct an environmental audit of their facility, within 10 days upon receiving the finally signed copy of this Agreement and in accordance with the attached proposal Within 90 days upon receiving the finally signed copy of this agreement, Job Corps agrees to provide the MDNR written documentation that certifies which employees were trained, the date they were trained and a listing and description of the topics included in the training Within 90 days of receiving the finally signed copy of this Agreement, Job Corps agrees to provide the MDNR a copy of their audit findings Should violations be discovered during the audit, Job Corps shall immediately take action to correct the violation and return to compliance

4 Upon full payment of all penalties and compliance with all provisions of this Agreement, the MDNR, and Attorney General's Office agree not to bring, or cause to be brought, any civil action against Job Corps for the violations set forth in Notice of Violation Nos 5078 and 5095

5 Nothing in this Settlement Agreement shall preclude the State from seeking equitable or legal relief for future violations of the Missouri Hazardous Waste Management Law and regulations,

6 The Attorney General's Office will send Job Corps a fully executed copy of the Settlement Agreement The effective date shall be the date the MDNR signs the Agreement, and

7 Job Corps agrees to comply with the Missouri Hazardous Waste Management Law and regulations at all times in the future,

#### **SIGNATURES**

St Louis Job Corps Center

MISSOURI ATTORNEY GENERAL'S OFFICE

BY

Print Name

Signature

JEREMIAH W (JAY) NIXON  
Attorney General

TITLE \_\_\_\_\_

BY

DATE \_\_\_\_\_

DATE

MISSOURI DEPARTMENT OF  
NATURAL RESOURCES

BY

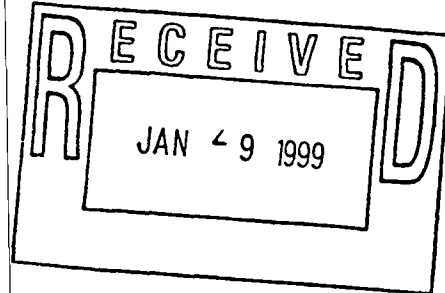
John A Young, Director  
Division of Environmental Quality

DATE



Center  
Director

Sterling Roath  
(314) 679-6265



FACSIMILE COVER SHEET

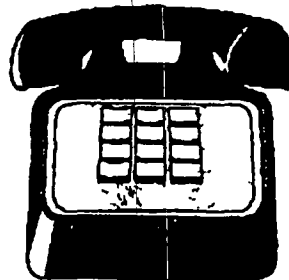
To John A. Gentsmeier  
Company \_\_\_\_\_  
Fax # \_\_\_\_\_  
Date 1-573-526-5268  
(Area Code) Phone Number 109-99  
From S. Roath  
Number of Pages (4) Fax  
(Including this Cover Sheet)

Notes

Are all pages legible? If not, resubmit which page (s) \_\_\_\_\_

From the Desk of \_\_\_\_  
Brenda Preston, Administrative Assistant  
(314) 679-6266

Facsimile No (314) 383-6717



St. Louis Job Corps Center  
4333 Goodfellow Blvd.  
St. Louis, Missouri 63120  
Operated By MINACT, Inc



**ST. LOUIS****CENTER**

4333 Goodfellow Boulevard  
St. Louis, Missouri 63120  
(314) 679-6200

January 29, 1999

John Jurgensmeyer  
Environmental Specialist, Hazardous Waste Enforcement Unit  
Missouri Department of Natural Resources  
P O Box 176  
Jefferson City, MO 65102-0176

Dear Mr Jurgensmeyer

In response to Missouri Department of Natural Resources (MDNR) letter dated November 25, 1998, St. Louis Job Corps Center is proposing the following actions for improvement of its environmental management

**1) *ADDITIONAL STAFF TRAINING***

Within 10 days of this agreement, St. Louis Job Corps Center will request technical assistance from the United States Department of Labor, Office of Job Corps to provide additional hazardous waste management training to at least three (3) of its key staff members who will directly handle and manage the Center's hazardous waste management program. The training program will be performed by a qualified outside consultant and will provide a comprehensive review of Resource Conservation and Recovery Act (RCRA) and the Emergency Planning and Community Right-to-Know Act (EPCRA). The training program will cover the following topics

- Identification of solid and hazardous wastes
- Conducting and maintaining chemical inventory
- Hazardous waste activity notification
- Reporting toxic chemical releases
- RCRA permits
- Hazardous waste accumulation and storage requirements
- Shipping, labeling and manifesting
- Generator, transporter, and TSD facility requirements
- Understanding the land disposal restrictions
- RCRA corrective actions

Operated by MINACT, INC. Under Contract With Department of Labor  
An Equal Opportunity Employer

- Pollution prevention
- EPA/State enforcement

2) **ENVIRONMENTAL COMPLIANCE AUDIT:**

Withing 10 days of this agreement, St Louis Job Corps Center will request that the United States Department of Labor conduct an internal environmental compliance audit (ECA) of its facilities located at 4333 Goodfellow Boulevard, St Louis, Missouri. The objective of the ECA will be to evaluate the Center's compliance with applicable federal, state, and local environmental regulations. After completing the audit, a report will be generated that identifies the potential areas of non-compliance, and provides recommendations by which the Center could improve its environmental management practices, particularly in the area of hazardous waste management. St Louis Job Corps Center is committed to and will request that the United States Government rectify any violation(s) that may be discovered as a result of ECA on a mutually agreeable schedule. However, for purpose of agreement, St Louis Job Corps Center should be identified and/or held harmless by and through its operating contractor, and the United States Government and any other parties of any potential fine or penalty by appropriate federal, state, or local authorities that may arise as a result of findings of this self-applied and voluntary inspection. The goal of ECA will be to focus attention on locations at the Center with higher potential for generation and storage of hazardous waste (i.e. paint shop, welding shop, maintenance shop etc.) The following requirements will be covered during the ECA.

- **SOLID AND HAZARDOUS WASTE**

- Missouri Hazardous Waste Management Law and Regulations, Sections 260.350-260.430, RS MO
- General Regulations for Hazardous Waste Management, 40 Code of Federal Regulations (CFR) 260
- Identification of Hazardous Waste, 40 CFR 261
- Hazardous Waste Generators, 40 CFR 262
- Hazardous Waste Transporters, 40 CFR 263
- Permitted Hazardous Waste Facilities, 40 CFR 264
- Interim Status Standards for Hazardous Waste Facilities, 40 CFR 266
- Land Disposal Restrictions, 40 CFR 268

- **SUPERFUND AMENDMENT AND REAUTHORIZATION ACT (SARA)**

- Emergency Planning and Notification, 40 CFR 355
- Hazardous Communication Reporting (Community Right to Know), 40 CFR 370
- Toxic Chemical Release Reporting, 40 CFR 372

- **COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA)**

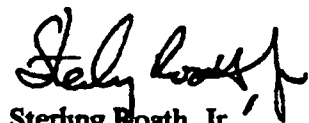
- National Oil and Hazardous Substance Pollution Contingency Plan, 40 CFR 300

- **USED OIL**  
-Regulations on Used Oil Management, 40 CFR 279
- **UNDERGROUND STORAGE TANKS**  
-Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks, 40 CFR 280
- **SPILL PREVENTION**  
-Oil Pollution Prevention, 40 CFR Part 112  
-Discharge of Oil, 40 CFR 110
- **PESTICIDE APPLICATION**  
-Recommended Procedure for Storage and Disposal of Pesticides, 40 CFR 165
- **POLYCHLORINATED BIPHENYLS (PCBs) MANAGEMENT**  
-PCBs Manufacturing, Processing, Distribution in Commerce and Use Prohibitions, 40 CFR Part 761
- **WATER POLLUTION CONTROL**  
-National Pollutant Discharge Elimination System (NPDES) 40 CFR 122
- **AIR**  
-Clean Air Act as amended, 40 CFR 50-99
- **ASBESTOS**  
-National Emission Standards for hazardous Air Pollutants (NESHAP), 40 CFR 61, Subpart M

### 3) MONETARY COMPENSATION

St Louis Job Corps Center agrees to pay to Missouri Departmental of Natural Resources the amount of one thousand dollars (\$1000) for the final settlement of all penalty assessments by MDNR as stated in the letter dated November 25, 1998

Sincerely,



Sterling Roath, Jr  
Center Director

SR bp

pc Rodney Salmi, DTS, Inc



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF VIOLATION PURSUANT TO REQUIREMENTS OF THE MISSOURI  
HAZARDOUS WASTE MANAGEMENT LAW, RULES AND REGULATIONS

5078

FACILITY NAME <u>St. Louis Job Corps</u>			
ADDRESS <u>6400-Stratford 4333 Goodfellow</u>		CITY <u>St. Louis</u>	STATE <u>MO</u>
MISSOURI ID NUMBER <u>027363</u>		DATE OF INSPECTION <u>January 12, 1998</u>	

During an inspection and/or a review of information or documentation completed this date to determine compliance with the requirements of the Missouri Hazardous Waste Management Law, Section 260.350 - 260.550 RSMo, and/or the Rules and Regulations 10 CSR 25 the following violations were identified. The 40/49 CFR regulations cited below have been adopted by reference in the Missouri Hazardous Waste Regulations.

CITATION	DESCRIPTION OF VIOLATION
40 CFR 262.34(e)	Storage exceeds 180 days
40 CFR 265.171	Containers not in good condition
10 CSR 25-5.262(2)(c)1	waste not labeled <sup>or marked</sup> per DOT during storage
40 CFR 262.34(a)(2)	Date of accumulation not marked on Containers
40 CFR 265.174	Facility not maintained weekly
10 CSR 25-5.262(2)(c)2 A	Failed to post "No Smoking" signs in storage area
10 CSR 25-5.262(2)(c)2 G	No spill control equipment in storage area
40 CFR 262.34(d)(5)(ii)	Emergency coordinator's number not posted near phone
40 CFR 262.34(d)(5)(ii)	Locations of fire extinguishers and spill control equipment not posted near phone

This information is provided to call your attention to those areas of noncompliance at the earliest possible time. This notice does not constitute a compliance order issued pursuant to Section 260.410, RSMo and may not be a complete listing of all violations which may be identified as a result of this inspection.

The owner/operator is hereby requested to submit in writing within 15 days of receipt of this notice a description of all corrective actions taken and/or a schedule for completion of necessary corrective actions to be taken to Chief, Enforcement Section, Hazardous Waste Program, Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102 with a copy to the Director, St. Louis Regional Office, 10805 Sunset Office Dr., Suite 400, St. Louis, MO 63127.

The corrective actions taken within 15 days of this notice will be considered in determining whether enforcement action, including the assessment of civil penalties, should be initiated.

If you have any questions on this notice or wish to discuss your response, you may call Paul Morris at 314-822-0101 or Kathy Flippen at 573-751-2032.

Signature of Preparer [Signature] Date 1-12-98

The undersigned person hereby acknowledges that he/she received a copy of this Notice and has read same.

SIGNATURE <u>[Signature]</u>	PRINTED NAME <u>P.L. Johnson</u>
TITLE <u>Director of Safety/Security</u>	DATE <u>1/12/98</u>

